

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action dated November 20, 2006. The status of the application is as follows:

- Claims 1-23, 25-31, and 33-40 are pending and are presently under consideration. Independent claims 1, 22, and 30 have been amended to include elements of cancelled claims 7, 40, and 37, respectively. Claim 8 has also been amended herein in connection with updating its dependency from cancelled claim 7 to independent claim 1. Entry of these amendments is respectfully requested, as no further search is required and the amendments are introduced to further prosecution and place the claims in better condition for appeal.
- Claims 1-23, 25-31, and 33-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Franco, *et al.* (WO 200054187) in view of Liwerant, *et al.* (US Application No. 20020056123) and further in view of Facq, *et al.* (US 6,016,520).

The rejection of these claims is discussed below.

The Rejection of Claims 1-23, 25-31, and 33-40 under 35 U.S.C. §103(a)

Claims 1-23, 25-31, and 33-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Franco, *et al.*, in view of Liwerant, *et al.*, and further in view of Facq, *et al.* It is respectfully requested that this rejection be withdrawn, as the Examiner has failed to establish a *prima facie* case of obviousness with respect to these claims.

Background

Applicant's disclosure is directed towards integration of electronic devices with a remote network (e.g., the Internet) by way of a local server. In an example, data (e.g., multimedia content) can be downloaded from the Internet by the local server and placed in a format that is compatible with a particular electronic device. Thereafter, the local server can present a graphical user interface (GUI) to a user that allows the user to view

the data and control operation of the electronic device with respect to the data (e.g., cause a multimedia file to be played on the electronic device).

Claims 1 and 10

Keeping the above-mentioned background in mind, claims 1 and 10 respectively recite, *inter alia*, a software application receiving identification data for data that is accessible from a web-server, and the application representing the data accessible from the web-server integrated with data stored in one or more local storage media in a GUI based on content of the data and a GUI that represents data stored locally and in a remote network in standard displays that integrate the representation of data independent of where stored, respectively. Franco, *et al.*, Liwerant, *et al.*, and Facq, *et al.*, alone or in combination, fail to disclose, teach, or suggest these claimed aspects.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. (MPEP §2142) (Emphasis added). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Franco, *et al.* discloses a software application that emulates selection and playing of a compact disk (CD) in a computer. More particularly, a user can select graphical images of a jewel case, which causes the case to open illustrating a graphical rendering of a CD. The graphical rendering of the CD can then be transferred to a CD tray in a virtual CD player. (See Figs. 2A – 3E). Thus, through the teachings of Franco, *et al.*, a user that

is comfortable with physically selecting CDs to place in a CD player can intuitively use a computing device to store music files and listen to particular CDs.

Liwerant, *et al.* discloses sharing of a video segment over a computer network. To accomplish this sharing of video, Liwerant, *et al.* teaches that video that is not formatted in accordance with streaming video can be converted to a format that accords to streaming video. (See paragraph 14). Facq, *et al.* relates to automatic selection of a multimedia item for download based upon a previous selection of a multimedia item to reduce latency associated with download requests. (See col. 2, lines 28-55).

In an attempt to obviate the invention as recited in claim 1 (which includes aspects of cancelled claim 7) and claim 10, the Examiner cites page 3, line 28 to page 4, line 29 and page 19, line 21 to page 20, line 4 of Franco, *et al.* Page 3, line 28 to page 4, line 29 teaches that a universal media player can connect to an Internet music database and retrieve metadata for a CD that is currently being played by universal player. A graphical user interface of the universal player can then be populated with this metadata to allow the user to review information relevant to the CD, such as song titles, artist information, title, genre, album cover art, and the like. This metadata, however, does not necessarily represent data that is accessible from a web-server. Moreover, there is no teaching or suggestion that this metadata is integrated with data resident upon a local storage unit. Rather, the metadata from the music database is displayed alone within the universal player and is not *integrated with data stored in one or more storage media in a GUI* as claimed.

Page 19, line 21 to page 20, line 4 of Franco, *et al.* teaches that a local data store and a remote data store can each maintain data records for a user, thereby allowing user preferences to be tracked locally by an application and remotely by a music provider. Thus, rather than teaching visual integration of data, Franco, *et al.* teaches that data records for a user can be maintained locally and remotely. Therefore, it is readily apparent that, in contrast to the Examiner's assertion, Franco, *et al.* fails to disclose, teach, or suggest *a GUI that represents data stored locally and in a remote network in standard displays that integrate the representation of data independent of where stored*

as claimed, and accordingly the Examiner has failed to establish a *prima facie* case of obviousness with respect to these claims.

Claims 16 and 39

Independent claim 16 and claim 39 recite, *inter alia*, a software application that is configured to generate a user interface including a two-sided palette tool flippable by said user, one side of said palette tool is for selecting a particular user from available users, and another side of said palette tool is for selecting user information associated with the selected particular user.

The Examiner contends that Facq, *et al.* discloses these claimed elements. Such contention is respectfully traversed. Rather than teaching the aforementioned claimed aspects, Facq, *et al.* discloses existence of a plurality of panes within a graphical window, wherein each pane includes text and picture items of separate topics of a title. (See col. 6, lines 20-22). Facq, *et al.* also discloses that content of the panes can change as a user selects a “hot spot” within a portion of presented text. (See col. 6, lines 31-35). Facq, *et al.* additionally teaches that server side binaries can implement a process to anticipate which media items are likely to be requested by an application. (See col. 11, lines 47-50). It is clear, however, that Facq, *et al.* does not disclose, teach, or suggest a flippable two-sided palette, much less particular contents of the palette as recited in these claims. Moreover, like Facq, *et al.*, neither Liwerant, *et al.* nor Franco, *et al.* disclose, teach, or suggest such aspects.

Claims 22 and 30

Independent claims 22 and 30 recite, *inter alia*, requesting user information by a user, adding user preference derived information to said user information requested by said user, and wherein the selected information transferred to a local server comprises control information for a GUI associated with the local server. In the Final Office Action dated November 20, 2006, the Examiner failed to provide a citation within any of the cited references with respect to a user request for user information. Accordingly, it is

submitted that the cited references fail to disclose, teach, or suggest such claimed aspect.

Additionally, in contrast to the Examiner's assertion, Franco, *et al.* is silent with respect to *selected information transferred to a local server comprises control information for a GUI associated with the local server*. At the cited portions, Franco, *et al.* discloses provision of special promotions or musical recommendations to a user based upon compiled statistics with respect to the user. (See page 7, line 29 – page 8, line 6). Franco, *et al.* also teaches that a universal player can communicate with a music vendor, and the music vendor can have a database that maintains user selections of music files. (See page 19, lines 5-31). Thus, Franco, *et al.* teaches transfer of promotions or advertisements from a remote server to a computer, but fails to disclose provision of *control information for a GUI* as claimed.

Other Dependent Claims

It is submitted that the dependent claims not addressed specifically above are allowable at least by virtue of their dependency from their respective base claims.

Conclusion

In view of the foregoing, it is submitted that claims 1-6, 8-23, 25-27, 29-31, 34-36, 38, and 39 distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

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